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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,781	03/25/2005	Johannes Godefridus Gerardus van der Poel	1063-0105PUS1	7702
2292	7590	06/23/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HOLMAN, JOHN D	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/506,781

Applicant(s)

VAN DER POEL, JOHANNES
GODEFRIDUS GERAR

Examiner

John D. Holman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SON T. NGUYEN
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ennis (US 4354291).

Regarding claim 1, Ennis discloses a brushing apparatus having an oblong brush (48), a driving means (56), a flexible carrying element (100), which allows the brush to have a vertical orientation in the absence of a force and a horizontal orientation in the presence of a force. See figure 2 and 11. Depending on the amount of force applied, the brush is capable of swiveling to a substantially horizontal orientation.

Regarding claim 2, Ennis discloses a brushing device comprising an oblong flexible element (100). See figure 11.

Regarding claim 3, Ennis discloses a brushing device comprising a tubular flexible element (100, 102). See figure 13.

Regarding claim 4, Ennis discloses a brushing device comprising a coil spring (102) for the flexible element (100). See figure 13.

Regarding claim 5, Ennis discloses a brushing device comprising a driving means (56) rigidly connected to the brush (48). See figure 13.

Regarding claim 6, Ennis discloses a brushing device comprising a driving means (56) connected to a brush (48) by way of a flexible connection (100). See figure 11 and 12.

Regarding claim 7, Ennis discloses a brushing device comprising a driving means (56) designed for rotating the brush (48) about its longitudinal axis. See figure 13.

Regarding claim 8, Ennis discloses a brushing device comprising a driving means (56) designed for moving the brush (48) in a plane parallel to the longitudinal axis of the brush. See figure 13.

Regarding claim 10, Ennis discloses a brushing device wherein the flexible element (100) comprises one or more universal couplings. Universal coupling is defined as "coupling that connects two rotating shafts allowing freedom of movement in all directions" as defined by <http://www.thefreedictionary.com/coupling>. See figure 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis (US 4354291) in view of Korfgen (US 4614449). Ennis is discussed above. The claim differs from Ennis's brushing device in calling for drip-feeding a treatment agent above

the brush. Korfgan discloses a cleaning brush (1) with a passage above the brush for liquid to flow through onto the brush. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ennis's washing apparatus in view of the teachings of Korfgan to include a means for drip-feeding a treatment agent onto the brush for the purpose of providing a cleaning agent to the brush.

Response to Arguments

Applicant's arguments filed 5/10/2006 have been fully considered but they are not persuasive. The brushing device disclosed by Ennis is capable of swiveling to a substantially horizontal orientation depending on the amount of force acting on the brush. Regarding the argument that Ennis's brush could not be used for livestock due to the softness of the brush, the softness of the applicant's brush is not claimed. The fact that Ennis's brush is not used for livestock is merely intended use and it does disclose all structural limitations in the claimed application.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Holman whose telephone number is 571 272-2754. The examiner can normally be reached on Monday through Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDH


Primary Examiner
AU 3643